S.B.CRIMINAL MISC. BAIL APPLICATION NO. 5665/2007
(Satish Kumar Sharma Vs. State of Rajasthan)

DATE OF ORDER : 28/11/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. Vipin Makked for the petitioner.
Mr. Ashok Upadhayay, Public Prosecutor for State.

Heard learned counsel for the petitioner and Public Prosecutor for the State. Perused the order impugned and police investigation diary.

It is contended by learned counsel for the petitioner that the matter has thoroughly been investigated by the Joint Director, Garden, Rajasthan, Jaipur who submitted a report on 23.8.2006 and nothing was found against the present petitioner. That investigation report is forming the part of police investigation diary. Learned counsel for the petitioner further submits that the matter was also investigated by the Anti Corruption Bureau and the complaint lodged by the agriculturist was not found to be correct and the Anti Corruption Bureau proposed to submit negative final report. For the very occurrence, a fresh report has been lodged by the first informant.

Having regard to the facts and circumstances of the case and the fact that the investigation was thoroughly carried out by the Joint Director, Garden as also Anti Corruption Bureau and the complaints were not found to be correct, without commenting on the merit of the case, having considered the oral arguments advanced by both the parties, I consider it just and proper to allow the bail application filed by the petitioner under Section 438 Cr.P.C.

Accordingly, the bail application filed by the petitioner u/s 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioner Satish Kumar Sharma S/o Ram Chandra Sharma in FIR No. 659/2006 P.S. Hanumangarh Junction, district Hanumangarh, he shall be released on bail for a period till the police concludes the investigation and files the challan provided he furnishes a personal bond in the sum of Rs.10,000/- alongwith one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That he shall make himself available for interrogation by a police officer as and when required;

(ii)That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That he shall not leave India without the previous permission of the Court.

The petitioner shall surrender before the trial court on the date of filing of the challan and move a regular bail.

(H.R.PANWAR), J.

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